

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

In re:)	Case No. 24-80617
)	(Chapter 11)
C M HEAVY MACHINERY, LLC)	
)	
Debtor.)	
_____)	

NOTICE WITHDRAWING MOTION TO RETAIN EXISTING BANK ACCOUNT

Comes now C M Heavy Machinery, LLC (“CMHM” or the “Debtor”), by and through undersigned proposed counsel, and hereby withdraws, *without prejudice*, the Debtor’s Motion to Retain Existing Bank Account (the “Motion,” as found at DE #3), and notes as follows:

The Debtor is certainly amenable to working with the Office of the United States Trustee to ascertain whether the existing depository institution is willing to execute a Uniform Depository Agreement (a “UDA”) with that office. If so, the relief sought in the Motion will be moot.

Should the existing institution be unwilling to execute a UDA, the Debtor will continue to take all steps necessary to ensure the account balance remains below the sum insured by the Federal Deposit Insurance Corporation, while also exploring opening one or more additional accounts at institutions that have executed a UDA.

For the avoidance of ambiguity, CMHM stands by the legal reasoning set forth in the Motion but, equally, certainly welcomes the opportunity to see its bank of choice execute a UDA. Should the Debtor’s preferred bank not be willing to do so, and should no other banking options appear readily viable, CMHM will then assess whether or not a revised iteration of the Motion is appropriately refiled herein.

Pursuant to Local Rule 9014-1(D), CMHM notes that the United States Trustee consents to the withdrawal of the Motion, though such notation ought not be construed as being indicative of the United States Trustee's position on the other assertions set forth in this notice.

Respectfully Submitted,

Dated: September 10, 2024

By: /s/ Maurice B. VerStandig
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September, 2024, a copy of the foregoing was served electronically upon filing via the ECF system.

/s/ Maurice B. VerStandig
Maurice B. VerStandig